

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

SS:

IN THE HAMILTON SUPERIOR COURT

CAUSE NO. 29 D 01 - 0008 CP485

STATE OF INDIANA, )

Plaintiff, )

v. )

BEVERLY BURCH, )  
CECIL MCCORD, and )  
THE DRAPERY SHOP, INC., )  
a foreign corporation, )

Defendants. )

SHEARER & SHEARER, INC., )  
D/B/A ROYAL AUCTION )  
SERVICES, )

Garnishee Defendant. )

### TEMPORARY RESTRAINING ORDER

This cause having come before the Court on Plaintiff's Motion for Temporary Restraining Order, and the Court having considered Plaintiff's Motion, the affidavits of Ernie Shearer and Roy Coffey incorporated therein, and the allegations contained in Plaintiff's Complaint in this action now finds as follows:

1. On August 4, 2000, Plaintiff filed a Motion for Prejudgment Attachment requesting that the Court enter an order for prejudgment attachment of funds in the name of Defendants, Beverly Burch and Cecil McCord, individually and doing business as The Drapery Shop Inc., held by Shearer & Shearer, Inc., d/b/a Shearer & Shearer, Inc., d/b/a Royal Auction Services.

2. A hearing on Plaintiff's Motion for Prejudgment Attachment is set for

8/31/00 at 8:30 AM

3. Unless restrained, Garnishee Defendant will transfer, disperse, release or otherwise allow the withdrawal of funds held in accounts for and on behalf of Defendants, prior to the hearing on Plaintiff's Motion for Prejudgment Attachment.

4. Unless Garnishee Defendant is restrained from transferring, dispersing, releasing, or otherwise allowing the withdrawal of such funds, Plaintiff will be irreparably harmed due to the likelihood that such funds will immediately be removed from the State of Indiana and the jurisdiction of the Court.

5. A temporary restraining order is necessary to preserve the status quo until the issues raised by Plaintiff's Motion for Prejudgment Attachment can be heard and considered by the Court at the 8/31/00 8:30 AM 2000 hearing.

6. Defendants and Garnishee Defendant were notified of Plaintiff's intent to file its Motion for Temporary Restraining Order on August 11, 2000.


7. Plaintiff is a governmental organization and is not required to offer security pursuant to Rule 65(C) of the Indiana Rules of Trial Procedure.

8. Plaintiff's Motion for Temporary Restraining Order should be granted.

**IT IS THEREFORE ORDERED** that Garnishee Defendant Shearer & Shearer, Inc., d/b/a Royal Auction Services, is temporarily restrained from transferring, dispersing, releasing, or otherwise allowing the withdrawal of such funds held on behalf of Defendants, pending hearing on Plaintiff's Motion for Prejudgment Attachment.

**IT IS FURTHER ORDERED** that Plaintiff is not required to post security to obtain this  
Order pursuant to Rule 65(C) of the Indiana Rules of Trial Procedure.

Dated this 19 day of August, 2000 at \_\_\_\_\_ o'clock \_\_\_\_m.

  
\_\_\_\_\_  
Judge, Hamilton County Superior Court

**Distribution:**

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C/O Ernie Shearer  
3422 Shadeland Avenue  
Indianapolis, IN 46226

The Drapery Shop, Inc  
C/O James J. Reagen  
2908 Cherry Lane  
Northbrook, IL 60062

Beverly Burch  
15218 Dan Patch Court  
Carmel, IN 46032

Cecil McCord  
9644 Greentree Drive  
Carmel, IN 46032